

Rec'd POT/PTO

16 JUN 2006

## FAX TRANSMISSION

Paterson

DATE: June 16, 2006

PTO IDENTIFIER: Application Number 10/563536-Conf. #8023

Patent Number

Inventor: Christian WIDMANN et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (703) 305-3230

FROM: LAHIVE &amp; COCKFIELD, LLP

Cristin E. Howley, Ph.D.

PHONE: (617) 227-7400

Attorney Dkt. #: KZI-004US

PAGES (Including Cover Sheet): 11

CONTENTS: Response To Notification Of Missing Requirements Under 35 U.S.C. 371 (1 page)  
Declaration, Petition and Power of Attorney (3 pages)  
Copy of Notification of Missing Requirements (2 pages)  
Certificate of Transmission (1 page)  
Transmittal Letter (3 pages)

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LAHIVE & COCKFIELD, LLP  
28 State Street, Boston, Massachusetts 02109  
Telephone: (617) 227-7400 Facsimile: (617) 742-4214

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (703) 305-3230 at MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 16, 2006

Signature

(Cristin E. Howley, Ph.D.)

Docket No.: KZI-004US  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Christian Widmann *et al.*

Application No.: 10/563536

Confirmation No.: 8023

Filing Date of  
International Application: June 30, 2004

Art Unit: N/A

For: RASGAP DERIVED PEPTIDE FOR  
SELECTIVELY KILLING CANCER CELLS

Examiner: Not Yet Assigned

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Dear Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371, mailed April 21, 2006, Applicant respectfully submits a Declaration, Petition and Power of Attorney in accordance with 37 CFR 1.497 (a) and (b). Applicant also includes with this Response a copy of the Notification of Missing Requirements.

Dated: June 16, 2006

Respectfully submitted,

By   
Cristin E. Howley, Ph.D.  
Registration No.: 55,281  
LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
(617) 227-7400  
(617) 742-4214 (Fax)  
Agent For Applicant

Rec'd PCT/PTO 16 JUN 2006

PTO-1380 (Rev. 07-2005)

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U. S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>KZI-004US</b>
INTERNATIONAL APPLICATION NO. <b>PCT/IB2004/002165</b>	INTERNATIONAL FILING DATE <b>30 June 2004</b>	U.S. APPLICATION NO. (If known, see 37 CFR 1.6) <b>10/563536</b>
		PRIORITY DATE CLAIMED <b>30 June 2003</b>
<b>TITLE OF INVENTION</b> <b>RASGAP DERIVED PEPTIDE FOR SELECTIVELY KILLING CANCER CELLS</b>		
<b>APPLICANT(S) FOR DO/EO/US</b> <b>Christian WIDMANN et al.</b>		
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <p>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))</p> <p>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p>a. <input type="checkbox"/> is attached hereto.</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p><b>Items 11 to 20 below concern document(s) or information included:</b></p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the International application under 35 U.S.C. 154(d)(4).</p>		

PTO-1390 (Rev. 07-2005)

Approved for use through 03/31/2007. OMB 0651-0021  
U. S. Patent and Trademark Office, U. S. DEPARTMENT OF COMMERCE

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/563536	INTERNATIONAL APPLICATION NO. PCT/IB2004/002615	ATTORNEY'S DOCKET NUMBER KZI-004US																																																																																																				
20. <input checked="" type="checkbox"/> Other items or information: Copy of Notice of Missing Requirements Response To Notification Of Missing Requirements Under 35 U.S.C. 371 Certificate of Fax Transmission																																																																																																						
<p>The following fees have been submitted</p> <table border="1"> <tr> <td>21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))</td> <td>\$300</td> <td>CALCULATIONS</td> <td>PTO USE ONLY</td> </tr> <tr> <td>22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 All other situations .....</td> <td>\$200</td> <td>\$</td> <td></td> </tr> <tr> <td>23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....</td> <td>\$0</td> <td>\$</td> <td></td> </tr> <tr> <td>Search fee (37 CFR 1.445(a)(2)) has been paid on the International application to the USPTO as an International Searching Authority.....</td> <td>\$100</td> <td>\$</td> <td></td> </tr> <tr> <td>International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB .....</td> <td>\$400</td> <td>\$</td> <td></td> </tr> <tr> <td>All other situations .....</td> <td>\$600</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="2"><b>TOTAL OF 21, 22 and 23 =</b></td> <td><b>\$ 0.00</b></td> <td></td> </tr> <tr> <td colspan="3"> <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(l)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.         </td> <td></td> </tr> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole number)</td> <td>RATE</td> </tr> <tr> <td>- 100 =</td> <td>/50 =</td> <td></td> <td>x \$250.00</td> </tr> <tr> <td colspan="3">Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> <td>\$</td> </tr> <tr> <td colspan="3"> <table border="1"> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th>RATE</th> </tr> <tr> <td>Total claims</td> <td>- 20 =</td> <td></td> <td>x</td> </tr> <tr> <td>Independent claims</td> <td>- 3 =</td> <td></td> <td>x</td> </tr> <tr> <td colspan="2">MULTIPLE DEPENDENT CLAIM(S) (If applicable)</td> <td></td> <td>+</td> </tr> </table> </td> <td></td> </tr> <tr> <td colspan="3"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td><b>\$ 0.00</b></td> </tr> <tr> <td colspan="3"><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/4.</td> <td><b>0.00</b></td> </tr> <tr> <td colspan="3"><b>SUBTOTAL =</b></td> <td><b>\$ 0.00</b></td> </tr> <tr> <td colspan="3">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(l)).</td> <td>\$</td> </tr> <tr> <td colspan="3"><b>TOTAL NATIONAL FEE =</b></td> <td><b>\$ 0.00</b></td> </tr> <tr> <td colspan="3">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property</td> <td>\$</td> </tr> <tr> <td colspan="3"><b>TOTAL FEES ENCLOSED =</b></td> <td><b>\$ 0.00</b></td> </tr> <tr> <td colspan="3"></td> <td>Amount to be refunded: \$</td> </tr> <tr> <td colspan="3"></td> <td>Amount to be charged \$</td> </tr> </table>			21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))	\$300	CALCULATIONS	PTO USE ONLY	22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 All other situations .....	\$200	\$		23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....	\$0	\$		Search fee (37 CFR 1.445(a)(2)) has been paid on the International application to the USPTO as an International Searching Authority.....	\$100	\$		International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB .....	\$400	\$		All other situations .....	\$600	\$		<b>TOTAL OF 21, 22 and 23 =</b>		<b>\$ 0.00</b>		<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(l)). 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PTO-1390 (Rev. 07-2005)

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a.  A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.

b.  Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ 0.00 to cover the above fees. A duplicate copy of this sheet is enclosed.

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d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-203B

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.197(a) or (b)) must be filed or granted to restore the International Application to pending status.



SIGNATURE

## SEND ALL CORRESPONDENCE TO:

Giulio A. DeConti, Jr.  
LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02108  
(617) 227-7400

Cristin E. Howley, Ph.D.

NAME

Date: 6/16/06  
CUSTOMER NUMBER: 00959

55,281

REGISTRATION NUMBER

PTO/SB/97 (09-04)

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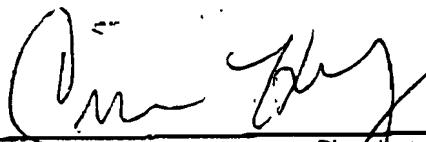
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Application No. (If known): 10/563536

Attorney Docket No.: KZI-004US

## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on June 16, 2006  
Date

Signature

Cristin E. Howley, Ph.D.Typed or printed name of person signing Certificate55,281

Registration Number, if applicable

(617) 227-7400

Telephone Number

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**Response To Notification Of Missing Requirements**  
Under 35 U.S.C. 371 (1 page)

**Declaration, Petition and Power of Attorney** (3 pages)

**Copy of Notification of Missing Requirements** (2 pages)

**Certificate of Transmission** (1 page)

**Transmittal Letter** (3 pages)

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/563,536	Christian Widmann	KZI-004US
INTERNATIONAL APPLICATION NO.		
PCT/IB04/02165		
I.A. FILING DATE	PRIORITY DATE	
06/30/2004	06/30/2003	

959  
LAHIVE & COCKFIELD  
28 STATE STREET  
BOSTON, MA 02109

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Date Mailed: 04/21/2006

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

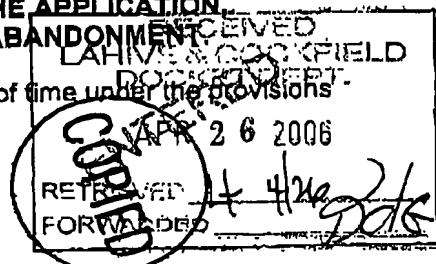
- Indication of Small Entity Status
- Copy of the International Application filed on 12/28/2005
- Copy of the International Search Report filed on 12/28/2005
- Copy of IPE Report filed on 12/28/2005
- Preliminary Amendments filed on 12/28/2005
- Information Disclosure Statements filed on 12/28/2005
- Biochemical Sequence Diskette filed on 12/28/2005
- Biochemical Sequence Listing filed on 12/28/2005
- Copy of references cited in ISR filed on 12/28/2005
- U.S. Basic National Fees filed on 12/28/2005
- Priority Documents filed on 12/28/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).



Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/563,536	PCT/IB04/02165	KZI-004US

FORM PCT/DO/EO/005 (371 Formalities Notice)

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